

# HOUSE BILL No. 1309

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-14-14.

**Synopsis:** Reservoir funding. Requires the auditor of state to distribute \$30,000,000 from the major moves construction fund to the department of natural resources to be used for preliminary engineering, purchase of land, and construction of a dam and related structures necessary to provide water to: (1) an economic development project located in Decatur County; and (2) the communities surrounding the project.

**Effective:** July 1, 2007.

---

---

## Cheatham, Bischoff

---

---

January 16, 2007, read first time and referred to Committee on Ways and Means.

---

---

C  
o  
p  
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1309

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-14-14-5, AS ADDED BY P.L.47-2006,  
2       SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 5. (a) The major moves construction fund is  
4       established for the purpose of:

- 5               (1) funding projects under IC 8-15.7 or IC 8-15-3;  
6               (2) funding other projects in the department's transportation plan;  
7               and  
8               (3) funding distributions under sections 6 and 7 of this chapter;  
9               and  
10              **(4) funding infrastructure improvements for an economic**  
11              **development project described in section 6(c) of this chapter.**

12       (b) The fund shall be administered by the department.

13       (c) Notwithstanding IC 5-13, the treasurer of state shall invest the  
14       money in the fund not currently needed to meet the obligations of the  
15       fund in the same manner as money is invested by the public employees'  
16       retirement fund under IC 5-10.3-5. However, the treasurer of state may  
17       not invest the money in the fund in equity securities. The treasurer of

2007

IN 1309—LS 6953/DI 92+



C  
o  
p  
y

state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Distributions to the fund from the toll road fund under IC 8-15.5-11.

(2) Distributions to the fund from the next generation trust fund under IC 8-14-15.

(3) Appropriations to the fund.

(4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Payments made to the authority or the department from operators under IC 8-15.7.

(7) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

SECTION 2. IC 8-14-14-6, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If the authority enters into a public-private agreement concerning the Indiana Toll Road under IC 8-15.5, the auditor of state shall make the following distributions from the fund for the indicated purposes:

(1) One hundred fifty million dollars (\$150,000,000) to the treasurer of state for deposit in the motor vehicle highway account established by IC 8-14-1. Notwithstanding IC 8-14-1, on or before October 15, 2006, and on or before October 15, 2007, the auditor of state shall distribute seventy-five million dollars (\$75,000,000) of the money deposited in the motor vehicle highway account under this subdivision to each of the counties, cities, and towns

C  
o  
p  
y



1 eligible to receive a distribution from the motor vehicle highway  
 2 account under IC 8-14-1 and in the same proportion among the  
 3 counties, cities, and towns as funds are distributed from the motor  
 4 vehicle highway account under IC 8-14-1. The auditor of state:

5 (A) shall make the distributions required by this subdivision  
 6 separately from distributions required by IC 8-14-1; and

7 (B) may not combine the distributions required by this  
 8 subdivision with distributions required by IC 8-14-1.

9 Money distributed under this subdivision may be used only for  
 10 purposes that money distributed from the motor vehicle highway  
 11 account may be expended under IC 8-14-1.

12 (2) The following amounts to the northwest Indiana regional  
 13 development authority for deposit in the development authority  
 14 fund established under IC 36-7.5-4-1:

15 (A) Forty million dollars (\$40,000,000) during the state fiscal  
 16 year beginning July 1, 2006. During the state fiscal year  
 17 beginning July 1, 2006, the regional development authority  
 18 must pay at least twenty million dollars (\$20,000,000) of the  
 19 distribution received under this clause to an airport authority  
 20 that is carrying out an airport expansion project described in  
 21 IC 36-7.5-2-1(2).

22 (B) Eighty million dollars (\$80,000,000) to be distributed in  
 23 installments of ten million dollars (\$10,000,000) during the  
 24 state fiscal year beginning July 1, 2007, and each of the seven  
 25 (7) state fiscal years thereafter.

26 However, no distributions may be made under clause (B) until the  
 27 development authority's comprehensive strategic development  
 28 plan prepared under IC 36-7.5-3-4 has been reviewed by the  
 29 budget committee and approved by the director of the office of  
 30 management and budget. In addition, no distributions may be  
 31 made under clause (B) during the state fiscal years beginning July  
 32 1, 2009, July 1, 2011, and July 1, 2013, unless the budget  
 33 committee has reviewed the status of the plan and any changes to  
 34 the plan.

35 (3) The following amounts to each of the following counties on or  
 36 before September 15, 2006, for deposit in local major moves  
 37 construction funds under IC 8-14-16:

38 (A) Forty million dollars (\$40,000,000) to each county  
 39 described in IC 8-14-16-1(1) through IC 8-14-16-1(5).  
 40 However, if a county described in IC 8-14-16-1(3) becomes a  
 41 member of the northwest Indiana regional development  
 42 authority, the distribution to that county is twenty-five million

C  
o  
p  
y



1 dollars (\$25,000,000) instead of forty million dollars  
2 (\$40,000,000).

3 (B) Twenty-five million dollars (\$25,000,000) to each county  
4 described in IC 8-14-16-1(6).

5 (C) Fifteen million dollars (\$15,000,000) to each county  
6 described in IC 8-14-16-1(7).

7 (4) One hundred seventy-nine million dollars (\$179,000,000)  
8 during the state fiscal year beginning July 1, 2006, to the state  
9 highway fund for use by the department for preliminary  
10 engineering, purchase of rights-of-way, or construction of  
11 highways, roads, and bridges. After review by the budget  
12 committee, and subject to the approval of the governor, the  
13 budget agency may augment this distribution from balances  
14 available in the fund.

15 (5) An amount sufficient to provide for the payments owed by the  
16 authority as a result of a written agreement entered into under  
17 IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees  
18 imposed on Class 2 vehicles, or to establish or replenish the  
19 reserves therefore, to the administration account of the toll road  
20 fund. The budget agency shall determine the amount of the  
21 distributions required to be made by this subdivision for each  
22 state fiscal year beginning with the state fiscal year ending June  
23 30, 2007, and ending with the state fiscal year ending June 30,  
24 2016.

25 (6) An amount sufficient to make any payments required by  
26 IC 5-10.3-6-8.9 as a result of a public-private agreement under  
27 IC 8-15.5.

28 **(7) Thirty million dollars (\$30,000,000) during the state fiscal**  
29 **year beginning July 1, 2007, to the department of natural**  
30 **resources for funding infrastructure improvements for an**  
31 **economic development project described in subsection (c).**

32 (b) There is annually appropriated from the fund an amount  
33 sufficient to make any distributions required by subsection (a).

34 **(c) Money distributed to the department of natural resources**  
35 **under subsection (a)(7) must be used by the department of natural**  
36 **resources for preliminary engineering, purchase of land, and**  
37 **construction of a dam and related structures necessary to provide**  
38 **water to:**

39 **(1) an economic development project located in Decatur**  
40 **County; and**

41 **(2) the communities surrounding the site of the economic**  
42 **development project described in subdivision (1).**

C  
o  
p  
y



1       (d) As used in this section, "economic development project"  
2       refers to a project that the Indiana economic development  
3       corporation estimates will employ at least two thousand (2,000)  
4       persons.

**C  
o  
p  
y**

